

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JUN 19 2007

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07
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIAJAMES N. HATTEN, Clerk
By: A. New Deputy Clerk

NANYA SHABU EL (HENRY, SEAN) / A# 97686704

Sec.

Petitioner's Name and Number

Civil Action Number

1:07-cv-1438

VS.

Judge

-CAM

Magistrate Judge

ALBERTO GONZALES / Attorney General / et al

Name of Respondent

Application For Federal Writ of Habeas Corpus

Under 28 U.S.C. § 2241.

1. Present Place of Confinement: A.C.D.C. 254 Peachtree Street, S.W., Atlanta, Georgia 30303
2. Indicate the basis for your petition and complete the portions of the application form indicated; f: a deportation order or detainer placed by the Immigration & Naturalization Service. ✓ G. xxx Detention in INS Custody.
6. Persons Challenging Actions By the IMMIGRATION AND NATURALIZATION SERVICE COMPLETE THIS PART.

(a) Have you presented this claim or any other claim concerning the INS's action to the Board of Immigration Appeal?

XXX NO

f. What was your plea?

_____ Guilty
_____ Not Guilty
_____ Nolo Contendere

IF you entered a GUILTY plea to one count or indictment and a NOT GUILTY plea to another count or indictment, give details. _____

g. Type of Trial?

_____ Jury
_____ Judge Only

Did you testify at the trial?

h. Did you testify at trial?

_____ Yes
_____ No

i. Did you appeal from the Judgment of the conviction?

_____ Yes
_____ No

j. Did you did appeal, answer the following:

1. Name of Court. _____
 2. Result of Appeal. _____
 3. Date of result. _____
 4. Grounds on Appeal. _____
- _____

k. Other than a direct appeal from the Judgment of conviction and sentence, have you filed other petitions, applications or motions with respect to this judgment in any court, state or federal?

_____ Yes _____ No

If YES, give the following information:

1. Name of Court. _____
 2. Nature of Proceedings _____
 3. Grounds raised. _____
- _____

(i) Did you receive an evidentiary hearing on the petition, application, or motion? _____

Yes

No

(ii) If YES, what grounds were presented? _____
Result. _____

Date of Result. _____

l. Have you filed a motion under Section 2255 of Title 28 of the United States Code vacate, set aside, or correct the sentence imposed?

Yes

No

If Yes, what grounds were presented? _____

m. Do you have any petition, application, or appeal pending in any court, state or federal?

YES

NO

If YES, give the following information:

1. Name of Court. _____
2. Nature of Proceedings. _____
3. Date of Filing. _____
4. Suit Number. _____
5. Current Status. _____

n. Have you been sentenced on more than one count of indictment, or more than one indictment in same court at the same time?

YES

NO

o. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack in this petition?

YES

NO

If YES, give the following information:

1. Name and location of the court, which imposed the sentence to be served in the future. _____
2. Length of sentence to be served in the future. _____

3. Have you filed or do you contemplate filing any petition attacking the judgment, which is, imposed in future sentence.

_____ Yes
_____ No

4. **PERSONS CHALLENGING A DECISION BY THE PAROLE COMMISSION COMPLETE THIS PART.**

- (a). Have you presented this claim or any other claim challenging the Parole Commission's decision to the National Appeals Board or any other available agency for review?

_____ YES
_____ NO

If YES, what was the result? _____

5. **PERSONS CHALLENGING A STATE DETAINER COMPLETE THIS PART.**

- (a) Have you presented this claim or any other claim concerning the legality of the state detainer placed against you to that state's highest court?
(NOTE: Interstate Agreement on Detainers)

_____ YES
_____ NO

6. **PERSONS CHALLENGING ACTIONS BY THE IMMIGRATION AND NATURALIZATION SERVICE COMPLETE THIS PART.**

- (a) Have you presented this claim or any other claim concerning the INS's action to the Board of Immigration Appeal?

_____ YES
XXX NO

If YES, what was the date and result of the appeal?

7. **THIS SECTION IS TO BE COMPLETED BY ALL PETITIONERS.**

Specifics of your claim. State concisely and clearly every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. Do not cite case law. Give only factual information.

Ground ONE: The Petitioner is in custody in violation of the Due Process clause of the fifth Amendment to the Constitution for the United States of America.

Supporting facts: see Petitioners writ for Habeas Corpus pursuant to 28 U.S.C. § 2241, filed May 22, 2007 Cert mail # 7001 1440 0000 4159 2005.

SUPPORTING FACTS FOR SUPPORTING FACTS - PLEASE SEE THE ATTACHED PETITION FOR FEDERAL WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

GROUND TWO The Petitioner is in custody in violation of the 1812 Treaty of Ghent.

SUPPORTING FACTS Petitioners want for Habeas Corpus as stated in Ground one and Presidential Proclamation 7500.

GROUND THREE The Petitioner is in custody in violation of Article III clause I and II of the constitution for the United States of America.

SUPPORTING FACTS Petitioners want for Habeas Corpus as stated in Ground One and the 1778 Articles of Confederation in Article I and the constitution for the United States of America.

GROUND FOUR

SUPPORTING FACTS

June 15, 2007
Date

Nanyaa-Shaabel El Uccu-38 without
presidia
NANYA SHAABU EL

x: proseforms